

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of Parts 2.106 and 25.202) RM-9147
of the Commission's Rules to Permit)
Operation of NGSO FSS Systems)
Co-Frequency with GSO and)
Terrestrial Systems in the)
10.7-12.7 GHz, 12.75-13.25 GHz)
13.75-14.5 GHz, and 17.3-17.8 GHz)
Bands, and to Establish Technical Rules)
Governing NGSO FSS Operations)
in These Bands)

OPPOSITION TO PETITION FOR RULEMAKING

AMSC Subsidiary Corporation ("AMSC") hereby opposes the Petition for Rulemaking filed by SkyBridge L.L.C. ("SkyBridge") in the above-captioned docket.^{1/} While the kind of sharing proposed by SkyBridge may prove feasible, the interference threat that it poses is too significant to reach any conclusion at this stage, while the present International Telecommunication Union ("ITU") study process is ongoing.

Background

The Commission authorized AMSC in 1989 to construct, launch and operate the first dedicated U.S. MSS system, using state-of-the-art geostationary satellite technology.^{2/} The first AMSC satellite was launched in 1995, and AMSC's SKYCELL Satellite Telephone Service began early in 1996. AMSC's satellite communications system covers the entire continental

^{1/} Petition for Rulemaking, SkyBridge L.L.C., dated July 3, 1997 ("Petition").

^{2/} Memorandum Opinion, Order and Authorization, 4 FCC Rcd 6041 (1989); Final Decision on Remand, 7 FCC Rcd 266 (1992); *aff'd sub nom.* Aeronautical Radio, Inc. v. FCC, 983, F.2d 275 (D.C. Cir. 1993).

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United States, including Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands.

AMSC operates its domestic MSS system with feeder links in the 10.75-10.95 GHz (space-to-Earth) and 13.0-13.15 GHz & 13.2-13.25 GHz (Earth-to-space bands). SkyBridge's proposed rule changes, designed to facilitate the licensing of its new global Fixed-Satellite Service ("FSS") system, directly affect existing operations within these bands. SkyBridge asks the Commission to amend Parts 2.106 and 25.202 of its rules to permit NGSO FSS systems to operate in the United States co-frequency with geostationary orbit ("GSO") satellite systems and terrestrial systems in the 10.7-12.7 GHz, 12.75-13.25, 13.75-14.5 GHz, and 17.3-17.8 GHz bands. Petition at 1. The requested bands overlap with those used by AMSC for its feeder links.

SkyBridge asks that the Commission establish technical rules governing NGSO FSS operations in these bands. Specifically, SkyBridge proposes that the Commission amend its rules to permit such NGSO operations as long as (i) such operations cause no noticeable degradation to the quality of service or availability of GSO and terrestrial communications links and (ii) impose no operational constraints on GSO and terrestrial operators. *Id.* To permit such operations, SkyBridge proposes a set of "hard limits" that are designed to protect GSO systems and terrestrial systems in the subject frequency bands.

Discussion

SkyBridge's proposal is premature. While sharing of the referenced bands with an NGSO system may be possible through the techniques described by SkyBridge, it would be inappropriate for the Commission to address these spectrum allocation issues at this time, before the issue has been thoroughly reviewed by the satellite industry and the ITU. For instance, one of the issues being studied by ITU Working Party 4A, which is examining this matter, is the

determination of an acceptable level of interference to the geostationary satellites. The single-entry interference model that is commonly accepted is based on the assumption that interference predominately comes from adjacent GSO satellites, with less coming from those farther out. Certainly, adding more satellites that can be as near in angular separation as the adjacent GSOs adds interference, and forces reconsideration of the single-entry, as well as composite interference allowances. The Commission should permit this study process to continue before reaching any conclusions of its own.

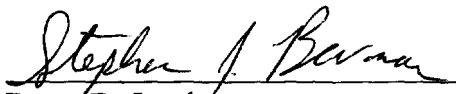
When the Commission does address the issue of GSO and NGSO FSS sharing in these bands, AMSC urges that SkyBridge and other NGSO FSS systems be permitted to operate in the Ku-band on a secondary basis with respect to GSO FSS systems. SkyBridge's request that these NGSO systems be permitted to operate co-frequency with GSO and other existing operators, albeit subject to technical rules that assure protection for GSO and other systems, is not sufficient. Since SkyBridge and other NGSO systems would be coming into the bands after it already is in use for operational GSO systems with existing customers and services, the burden should be on the NGSO systems to protect GSO systems, regardless of whatever theoretical limits are set prior to launch and operation of the NGSO systems.

Conclusion

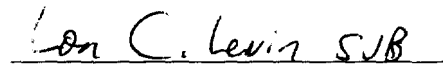
Accordingly, AMSC hereby urges the Commission to deny the petition for rulemaking filed by SkyBridge L.L.C. in the above-captioned proceeding.

Respectfully submitted,

AMSC SUBSIDIARY CORPORATION



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CERTIFICATE OF SERVICE

I, Cindi Smith Rush, a secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that on this 27th day of August, 1997, I served a true copy of the foregoing "Opposition to Petition for Rulemaking of AMSC Subsidiary Corporation" by first class United States Mail, postage prepaid, upon the following:

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